

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

LARRY TOTTEN, et al.,

Plaintiffs,

No. C 04-4327 PJH

v.

REMEDIATION CONSTRUCTORS, INC.,  
d/b/a REMCON, INC.,

Defendant.

**ORDER ADOPTING REPORT AND  
RECOMMENDATION AND GRANTING  
MOTION FOR DEFAULT JUDGMENT**

The court has reviewed Magistrate Judge James' report and recommendation regarding plaintiff's motion for default judgment. Defendant filed no objections to the report and recommendation. The court finds the report correct, well-reasoned and thorough, and adopts it in every respect. Accordingly, the court hereby GRANTS plaintiffs' motion for default judgment, as follows:

1. Defendant is hereby ordered to pay the amount of \$22,639.43 in unpaid fringe benefits and liquidated damages.

2. Defendant is ordered to pay the sum of \$4010.00 in attorneys' fees, plus plaintiffs' costs of suit.

3. Defendant is ordered to submit forthwith to an audit of its books and records by representatives of the Laborers Health and Welfare Trust Fund for Northern California, the Laborers Vacation-Holiday Trust Fund for Northern California, the Laborers Pension Trust Fund for Northern California, and the Laborers Training and Retraining Trust Fund for Northern California pursuant to the Trust Agreements.

4. Defendant is ordered to timely submit all required monthly contribution reports, and contributions due and owing plus interest and liquidated damages.

1 Following completion of the audit, but in no event later than August 31, 2005, plaintiffs  
2 shall submit to the court a supplemental request for a total judgment including the amount  
3 awarded in the present order; and any additional amount of wages and fringe benefits due, as  
4 revealed by the audit, and in accordance with the order granting default judgment, plus interest  
5 pursuant to 26 U.S.C. § 6621 on any additional contributions found to be due and owing by the  
6 audit.

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8 **IT IS SO ORDERED.**

9 Dated: May 20, 2005



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11 PHYLLIS J. HAMILTON  
12 United States District Judge  
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